

**TESTIMONY OF OLIVIA GOLDEN**  
**DIRECTOR, CHILD AND FAMILY SERVICES AGENCY BEFORE THE**  
**COMMITTEES ON JUDICIARY AND HUMAN SERVICES FOR THE**  
**“IMPROVED CHILD ABUSE INVESTIGATIONS AMENDMENT ACT OF 2001”**

**February 4, 2002**

Good morning Councilmember Patterson, Councilmember Allen, and members of the Committees on Judiciary and Human Services. I am Olivia Golden, Director of the District of Columbia's Child and Family Services Agency (CFSA). I am pleased to be here today on behalf of Mayor Anthony A. Williams to testify on the Administration's views on the *Improved Child Abuse Investigations Amendment Act of 2001*. We are very appreciative of the focus of this legislation, as well as in the Infant Protection Act sponsored by Councilmember Allen, on ensuring children's safety, permanence, and wellbeing. I want to take this opportunity to thank you and the rest of the members of the Council, for your continuing work with the Administration and other stakeholders to improve the lives of the District's children and families.

The Child and Family Services Agency has existed as an agency of the District of Columbia for seven months, since the ending of the Federal Court Receivership on June 15, 2001. In that time, with the commitment and support of the Mayor and the City Council, we have dismantled many of the institutional and legal barriers that for so long stood in the way of effective services to abused and neglected children. As envisioned in the Mayor's Child Welfare Emergency Plan submitted to Congress in October 2000, the District has ended the bifurcated

system that separated abuse and neglect – a fragmented system cited by many observers as a key barrier in effective service delivery to families. We have published, for the first time ever, District regulations that set standards of quality for foster and group homes. Together with the April 2001 authorizing legislation that created the agency, these regulations give CFSA the authority to license and monitor the quality of the settings our children live in. We have doubled the number of lawyers providing legal support to our social workers – again as envisioned in the Mayor’s Child Welfare Emergency Plan – and have reformed the structure for legal services so that lawyers and social workers can coordinate closely on behalf of children. We are working closely with the Superior Court to improve the functioning of the whole system. Most recently, the Mayor, CFSA and the Court working together achieved a landmark goal which at the time of the Mayor’s Emergency Reform Plan seemed far in the future: the passage of legislation to create a Family Court within the Superior Court of the District of Columbia.

At this moment of opportunity for reform and change for abused and neglected children, I am particularly pleased to have the opportunity to present the Administration’s views on legislation that focuses on another valuable element of reform, strengthening key elements of the District’s statutes relating to child abuse and neglect. As helpful context for our comments on the legislation, I would like to begin by giving you a general sense of the reform efforts underway at the Child and Family Services Agency, including our work to strengthen our Hotline and Intake processes and our work with our colleagues at the

Metropolitan Police Department. Then I will move on to highlight key areas of the legislation.

### **Strategies for Reform at CFSA**

On June 16, 2001, the District regained control over CFSA when the United States District Court terminated the receivership in LaShawn A. v. District of Columbia. The new agency, shaped by the April 2001 enabling legislation, is for the first time a strong child welfare agency with the authority and the responsibility to address both child abuse and neglect and to license and monitor foster homes and facilities. The enabling legislation also provides that CFSA is a cabinet-level agency with independent personnel and procurement authority.

In accordance with the Federal court consent order, a key early priority was to bring together a management team, drawn from both within and outside the agency, with the depth and experience to create and sustain reform for children. The new team came on board in October, at the same time that we restructured the agency to reflect a clear focus on supporting the people who are closest to children and families: social workers, foster, kinship, and adoptive parents, and our community partners. As envisioned in the consent decree, we have also secured outside funding for a National Advisory Board of independent experts to support our reform efforts and have begun to draw on experts in our work. We have also convened a broad-based local advisory forum and look forward to additional involvement from all sectors of the community.

Our reform efforts are guided by a strategic plan with seven priority goals, of which I want to highlight two: recruiting and retaining qualified and highly trained social workers, which is critical to everything else we are doing, and investigating abuse and neglect reports in a timely and high quality manner that protects children's safety. In both of these areas, the baseline level of performance at the time the agency was created in June was disappointing, but we are moving rapidly to accomplish ambitious goals for improvement during 2002.

Recruitment and Retention. From October through today, we have hired 41 new social workers and supervisors. We are exploring a wide range of strategies for expanding our recruitment efforts, including strategic partnerships with a range of colleges and universities and a potential partnership with the U.S. Public Health Services Commissioned Corps to recruit and identify social workers interested in CFSA from a national pool. We are also focusing on retention issues through a variety of strategies, including the assignment of new workers to training units where they will add cases gradually under the guidance of an experienced supervisor.

Timely and High Quality Investigations. Conducting timely and high quality investigations is a critical priority because we cannot protect children's safety and support their wellbeing if we do not handle reports of abuse and neglect effectively from the very beginning. CFSA received 8,928 calls to our Hotline in FY 2001. Of those calls, 4,582 resulted in reports of alleged maltreatment of children; the remainders were primarily for information and

referral. Data from the first quarter of FY 2002 indicates the hotline fielded 2,030 calls and 1,091 resulted in referrals for investigation. Thus far, the data for the first quarter of 2002 is consistent with the last fiscal year's statistics. Fifty-seven percent (211) of the referrals accepted for investigation involved allegations of neglect while thirty-seven percent (146) alleged physical maltreatment. Six-percent (36) of the referrals received during the first fiscal quarter 2002 specifically alleged sexual maltreatment.

The Mayor's Child Welfare Emergency Reform Plan highlighted two issues that affect the investigation process. First, as noted above, the District's child welfare system used to be bifurcated between abuse and neglect. As many observers have noted, this bifurcated system created barriers to quality services to children both at the point of initial investigation and for ongoing services. On the ongoing side, over the Summer, 2001, CFSA worked closely with the D.C. Superior Court to integrate cases and responsibilities formerly handled by Court Social Services. I am pleased to report that as of October 1, 2001, this process was completed, and CFSA now provides oversight and services for children in both abuse and neglect cases.

On the intake side, CFSA has now assumed responsibility for investigating reports of abuse, a responsibility which formally rested exclusively with the Metropolitan Police Department (MPD). MPD collaborated with CFSA during the transition period by conducting coordinated investigations until the CFSA staff had completed initial training for conducting abuse investigations. The police continue to have a critical partnership role in those cases where there is a

possibility of criminal prosecution, which is distinct from CFSA's role in determining whether the allegation of abuse/ neglect is substantiated, protecting children's safety, and beginning the process of planning for permanence.

Ensuring that we fully realize the intended benefits to children of this unified system requires extensive training for staff in both agencies, including cross-training; regular meetings and relationships at both the line and senior management levels; redefined policies and procedures; and sufficient staffing within CFSA for its new responsibilities. We are moving rapidly in all of these areas. Staffs of the two agencies now have regular meetings at both the line and senior levels, and both shared and separate training is continuing. CFSA and MPD developed a core curriculum on abuse investigations, which includes training on the dynamics of abuse, abuse investigation protocol, and forensic interviews. Abuse training is mandatory and all Intake staff has been trained to date. In addition abuse training is offered to all social work staff in all program areas.

We have increased staff in our Investigations Unit by 6 and are committed to adding 20 additional case-carrying social workers, and we have developed 1 training unit within the intake portion of the agency to provide intensive supervision for entering workers. Under the direct leadership of CFSA's Principal Deputy Director, and with assistance from national experts to ensure that we take advantage of best practices from elsewhere, we are finalizing new protocols for the conduct of investigations, including a more intensive focus on children's safety, and we are establishing specialized teams to investigate and

address sexual abuse and physical abuse in institutional settings. We fully anticipate that these improvements, together with targeted legislative reforms, will result in better investigations and improved lives for children.

A second issue highlighted in the Mayor's Child Welfare Emergency Reform Plan was the need for a setting where multi-agency activities could be coordinated for the most serious among these intake cases, those where prosecution is anticipated. CFSA is actively engaged in the implementation of the March 7, 2001 multi-agency Protocol signed by the Mayor and United States Attorney, Chief Ramsey and CFSA Receiver to ensure that child victims of sex abuse will receive forensic interviews in a child-friendly setting in a manner to avoid repetitive questioning as to their abuse. An intake social worker is co-located at the Children's Advocacy Center (CAC) and reviews all cases for placement and social work issues. We are excited about the plans that Deputy Mayor Carolyn Graham has described in her letter to expand the CAC to cover a larger number of cases involving serious physical abuse, and we intend to expand our co-location to support those plans. Pursuant to an agreement executed by Mayor Williams, the Gales School will be transformed into a Children's Advocacy Center. The facility will house Safe Shores (a program to treat victims) as well as caseworkers from CFSA, MPD, the Office of Corporation Counsel, the U.S. Attorney's Office, and the Superior Court Social Services Agency. In order to make this a reality, Mayor Anthony A. Williams has made a major commitment to the CAC, committing \$7,298,000 in FY 2003 local capital dollars for the renovation of the Gales School from a hypothermia center into a

state-of the art child assessment center. The Mayor has also provided \$600,000 in local operating expenses for operational costs of the CAC in FY 2003.

### **Comments on the Proposed Legislation**

Turning now to the specific legislative proposal before the Council, the *Improved Child Abuse Investigations Amendment Act of 2001* addresses protection of children in three different ways - - it tightens legal definitions, modernizes the Child Protection Register, and establishes a Multidisciplinary Child Abuse and Neglect Team (MDT). The Administration supports the premises underlying these amendments, and I am pleased to present its perspective on each respective component.

### **Definitions**

With some modifications, outlined below, the Administration supports the changes proposed in the legislation to the definition of child abuse and neglect in the District, because we believe these changes will protect children's safety better than current law. More specifically:

- We strongly support the changes that will protect non-sibling children who are living in the same household with a child who is believed to be abused or neglected. This resolves a gap in current law and is critical as we reform our ability to respond to children in need.
- We appreciate Councilmember Sandy Allen's leadership and commitment to address issues surrounding drug-addicted babies. We look forward to continuing to work with her office in refining the Infant



Protection Act legislation. We generally support the proposed drug-addicted babies definition, although we would suggest that there are times when a child may test positive for a controlled substance where the mother had been prescribed the substance and which would not constitute abuse or neglect, which should be reflected in the definition. Although fetal alcohol syndrome is not a part of the controlled substance definition, we recommend alcohol be included in the definition and look forward to clarifying language for this provision.

- We support the effort to clarify the definition of physical abuse. We would like to discuss further amplification of the list of actions that are not deemed to be discipline. We would want to ensure that other types of unacceptable conduct, such as locking a child in a closet, are not excluded from the definition. There is also a reference to “striking a child with a closed fist”, which should be made consistent with current law (DC Code Section 22-1101) that covers instances where children are struck with an open hand in an excessive manner that causes marks and bruising.
- Finally, we would like to work with your staff to refine the proposed definition of mental injury. It is important, as we define “mental injury”, to ensure that the definition requires a cause and effect relationship between the child’s exhibited behavior and a willful or deliberate act to a child’s psychological or intellectual function by a parent, guardian or legal custodian. This requirement of willfulness is included in other

state statutes, which recognize emotional harm as form of abuse or neglect. Again, we would be available to work directly with you on this and believe that the experience of other states on this issue may be useful.

- We have additional comments of a technical nature that we would be pleased to share directly with your staff.

### Child Protection Registry

The Administration appreciates the focus in the statute on the Child Protection Registry, as a key tool in child protection. We have a number of specific suggestions that we believe would strengthen the ability of the legislation to accomplish its goals. These include a change in the standard definition of an “unjustified report” under the new statute, additional authority that would enable disclosure of information in the Register to employers who seek information about persons who will work in positions with children, and the addition of a penalty for a false or fraudulent report.

To explain these suggestions, let me take a moment to highlight the provisions of the proposed legislation and our suggested modifications. The legislation amends current law governing the Child Protection Registry in several ways:

- First, it establishes three categories for reports in the CPR – substantiated, inconclusive and unjustified. An inconclusive report, which is not provided for under current law, is defined as a report that

cannot be proven to be either substantiated or unjustified. Under this legislation, an inconclusive report would be included in the Registry until expunged in accordance with defined circumstances.

- The legislation also amends current law so that substantiated reports will never be expunged from the Registry and those unjustified reports will be immediately expunged.
- Finally, the legislation provides that a report can be deemed unjustified only when there is clear and convincing evidence to have no basis in fact.

Our comments on these provisions are grounded in the value of the CPR as a tool to protect children from individuals with a history of abuse or neglect. In general, the Administration supports the creation of the category for inconclusive reports, because there are times in which an investigator cannot reach a conclusion, as for example when a critical witness cannot be located, but maintaining a record of the report is nonetheless important in the event that a new report involving the same individual is received. We believe that the period provided in the legislation before expungement of inconclusive reports is sufficient to protect the child. We also support the amendment that provides that a substantiated report will never be expunged from the Register, although this provision should be applied only to cases added to the Register after the effective date of the Act.<sup>1</sup> We believe these amendments will strengthen our ability to protect children.

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<sup>1</sup> This is primarily because persons may have waived their right to a fair hearing challenging their placement on the CPR based on the current provision, which provides for expungement.

We offer some other comments however on the other proposed amendments. The Administration recommends that the definition of an “unjustified report” reflect that in current law’s definition of “unsupported report”. As proposed in the legislation, to be classified as an unjustified report, a report must be shown “by clear and convincing evidence to have no basis in fact.” This is a high legal standard, as it essentially creates a presumption of validity for each report. Unfortunately, our experience has taught us that some persons misuse the Register and make inaccurate or false reports. Under the proposed definition, unless CFSA could affirmatively show by clear and convincing evidence that a report had no basis in fact, the report would be classified as inconclusive, and that individual’s name would remain on the CPR. Indeed, one could foresee that a significant number of reports would fall into the inconclusive category even though a report is not supported by credible evidence simply because CFSA could not show by clear and convincing evidence that the report had no basis in fact. We believe that the proposed definition sets too high a standard and those persons who have not abused or neglected children could unfairly be named on the Register. This is particularly true giving other suggestions we are proposing the Council consider.

Specifically, we also suggest that the Council consider two other amendments to the statute governing the Register. First, we recommend that the Council amend D. C. Code § 4-1302.03 to permit CFSA to disclose information in the Register to employers who seek information about persons who will work in positions with children. Presently, the Register is only

accessible to a select group of persons and institutions. We are not able to disclose information from the Register to schools, hospitals, day care centers, or other individuals or institutions that serve or care for children in positions giving them access to children. The statutory purpose of the Register is to “[S]erve as a resource for the evaluation, management, and planning of programs and services for abused and neglected children.”<sup>2</sup> We would like to see access to information on the Register opened up to individuals and institutions, such as day care centers, whose very mission is to serve and care for children. By permitting disclosure of information on the Register to those entities, we can minimize the risk that a day care provider or other institution-serving children employs an individual who committed abuse or neglect. We believe that giving CFSA authority to disclose to an appropriate entity that there is a substantiated or inconclusive report of abuse or neglect will positively impact and protect children.

Second, as I alluded to earlier, there are unfortunate instances where individuals may call in a false report to serve a vindictive purpose against another individual. This not only compromises the purpose of the Register, but it also ties up valuable human resources, as each report is investigated fully. A penalty for a false or fraudulent report would serve as a deterrent to those who may contemplate such an action.

#### Multidisciplinary Child Abuse and Neglect Team.

Finally, I would like to take the last few minutes to discuss the Multidisciplinary Child Abuse and Neglect Team provision. Under the legislation as proposed, every instance of child abuse and neglect must be reviewed and

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<sup>2</sup> D.C. Official Code §4-1302.01(a)(3).

investigated by a Multidisciplinary Child Abuse and Neglect Team (MDT), consisting of seven permanent participant organizations, with other ad hoc members depending on the circumstances of a case. In order to most effectively achieve the benefits of the MDT as realized in other jurisdictions, with a focus on ensuring that investigations are coordinated and decision-making is enhanced, thereby reducing additional trauma to a child victim, we strongly recommend that the MDT be targeted to the most serious cases, where there is sex abuse or serious physical abuse. These are the kinds of cases that are likely to involve criminal prosecution and which expose children to questioning by social workers, prosecutors, police, and the like. In addition, we recommend that this provision not be included in the legislation because the Administration is already employing the use of MDTs under the Interagency Agreement on Child Abuse Investigation, Prosecution and Prevention for sex abuse cases. This Agreement has been in operation since March 2001, at which time the Safe Shores Advocacy Center was added as a signatory. We intend to expand the MOU's provisions to include serious physical abuse cases, and planning is currently underway at the staff level. The Administration proposes to continue implementing and assessing this targeted approach, which allows us to balance the great value of the MDT in appropriate cases with other key considerations, including the need for timely investigations, the appropriate role in many cases of neighborhood-based services that can minimize disruption for children, and the finite resources available to conduct investigations. For example, in the approximately 60% of our investigations where the allegation is neglect, criminal charges are unlikely to

be filed, meaning that the criminal justice agencies do not need to be involved. We believe that the targeted approach would reduce the number of MDT's needed from over 4,500 per year based on past history for total investigations to a number that could be managed without overwhelming the MDT or compromising its ability to meet its goals. We will report back to you on the progress of the MDT approach and look forward to working with the Council to continue strengthening this critical effort.

## **CONCLUSION**

This is an extraordinary moment of opportunity in the District for change and real progress in reforming the child welfare system. All parties needed for change are actively and energetically participating. All the branches of our local government are working together to improve the services which are offered to children in the District of Columbia. And two weeks ago, President Bush signed into law the *District of Columbia Family Court Act of 2001*. I very much appreciate the commitment that the Council has displayed to this agenda of reform, and with your support, I believe that we can continue the momentum and create true change in our children's lives. I thank you for seizing this opportunity for change and progress, and we will be happy to work with you to continue to refine the legislation.

Thank you. I am available to answer any questions you may have.